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SUBJECT: JUMP-STARTING MOI REFORM

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¶1. (SBU) Summary. After a contentious debate, the Parliament passed new MOI legislation July 22, with major emphasis on increasing the investigative capacity of the ministry and improving accountability in the use of specialized investigative techniques (SIT). The following day, July 23, the EU released a harshly-worded report on Bulgarian rule of law, which has added incentive to accelerate MOI reform. Though the EU naturally did not comment on the new MOI legislation, it highlighted known MOI deficiencies such as the need to improve the pre-trial investigation and case development process. Now, as all eyes are watching, the Bulgarians have turned to us to help turn this demoralized ministry around; and we seek U.S. expert advice to effectively respond. End Summary.

¶2. (SBU) The Prime Minister remains absolutely committed to overhaul the MOI. His -- and the MOI leadership's -- challenge for meaningful impact is formidable. A recently released Eurobarometer poll reveals a striking lack of public confidence in Bulgarian institutions, especially the police, and the government on corruption and crime issues. On July 22, the Parliament passed legislation to overhaul the MOI. The law outlines the MOI's structure and designates the Secretary General, now renamed the Chief Commissioner, as the ministry's top professional. Under the new law, DOI and DOTI (the technical surveillance agencies) will remain in the Interior Ministry, which we supported, and be merged into a specialized directorate under the Interior Minister. Despite opposition MPs insistence that all investigating officers have law degrees, the majority eventually decided to establish a separate directorate for investigations with four categories of officers: senior investigating officers, chief investigating officers, investigating officers, and junior investigating officers. MPs required a law degree for the first two categories and mandatory training at the MOI Academy for the second two. When we met the following day with MPs, including members of the Committee on Domestic Order and Security, they agreed with our analysis that passing legislation was not enough. They welcomed any advice and technical assistance that the U.S. could provide to spur effective implementation of reform to build law enforcement capacity and, more tellingly, a culture that the ministry serves and protects the people.

¶3. (SBU) On July 23, the EU issued its harshly-worded report on Bulgarian performance in the area of rule of law. Though slightly softened in the political review process, the extremely negative EU Commission report on Bulgaria's rule of law performance and its use of EU funds, is a stinging, unparalleled rebuke for Bulgaria. The EU refrained from assessing the much bruited proposed MOI reforms, but echoed many of our comments about known deficiencies. The report stressed the need for MOI to clarify the roles of actors in the pre-trial investigation stage, invest and train in a more qualified police force, and amend the Criminal Procedures Code to remove obstacles to effective prosecutions. The

report also recommended more coordination between DANS and MOI. Given the report's harshness, our European Commission contacts believe that the Bulgarians will more readily accept needed advice to address deficiencies raised in the report from the United States than the EU.

Overhauling the MOI

¶4. (SBU) The GOB has asked us for advice on reforming MOI. Responding to personal requests from the Prime Minister and Interior Minister, we have moved ahead with bringing U.S. experts to consult and offer recommendations to the MOI on its principles, purposes, procedures and personnel system, and how it can better work with prosecutors. The dust first has to settle on the MOI legislative package -- and they need to have their senior personnel team in place -- before we can consider moving beyond pre-existing programmatic support already in train. Rather than launching new assistance programs, we want to advise them on how best to re-build and to help them assess their needs.

¶5. (SBU) Here's what we are doing. . . .

- Discussing with the Minister, Deputy Minister, Members of Parliament (MPs) and Prime Minister's advisors the legislative reform package and function/structure/mission of a revamped MOI.

- Focusing on DOI/DOTI, in which we have both a strong law enforcement and counter-intelligence/national security interest.

- Consulting (first with Gary Bennett and now with Don Lizotte, both from the Department of Justice (DOJ) International Criminal Investigative Training and Assistance Program (ICITAP) on practical police functions to build organizational, management, and crime-fighting capacity, especially in police-prosecutorial collaboration.

- Lining up existing training and assistance programs (and tracking Bulgarian participants) so that we get the most bang for buck.

- Sharing assessments with missions of EU member states here, to coordinate any potential training or other assistance programs. The EU, as a collective, is not currently offering direct assistance on MOI reform, and EU member state experts have not been directly involved in the reform efforts, providing limited advice on discrete functions, such as personnel systems and border control.

¶6. (SBU) . . . and what we need from Washington:

- International Narcotics and Law Enforcement Affairs (INL): We look to INL to serve as the conduit to help identify relevant experts in various governmental agencies. Post will do most of the legwork, but we look to INL to point us to the appropriate U.S. experts.

- DOJ: We ask the DOJ to build from its current work with the prosecutors to reinforce MOI reform with a team that consults on prosecutorial organized crime task forces (management, composition, interaction with police, customs officials, tax authorities). To reinforce Bulgarian enforcement capabilities, we look to ICITAP to consult with the Overseas Prosecutorial Development Assistance and Training Program (OPDAT) and to advise the Bulgarians on how to build a competent and reliable police force to meet the needs of the regional and the central level.

- FBI: We request that FBI send an expert to share U.S. experience in combating organized crime organizations in New York City, which included elements of organized crime and public corruption. We turn to the FBI to outline the components that make a successful national strategy to fight organized crime and corruption, and for sample mechanisms for coordinating across agencies and jurisdictions. We would like to provide concrete examples of how the U.S. investigates and prosecutes organized crime. The role of this expert would be to share U.S. experience and provide an assessment to the Bulgarian MOI.

-- Drug Enforcement Agency (DEA): During her July 13-14 visit here, Administrator Leonhart offered a team of financial experts to help MOI build financial investigative capacity and extended an invitation to Interior Minister Mikov to visit the DEA Special Operations Center, which coordinates across jurisdictions and agencies to fight drug trafficking cases. We are following up with MOI to advocate an increased focus on following the money in narcotics cases as an especially fruitful area for Bulgarian improvement.

Comment

17. (SBU) We emphasize that at this stage, Bulgaria is seeking expert advice, not training. Based on their positive experience with U.S. consultation on DANS establishment, the Bulgarians would like that advice to come from the United States. MOI leadership is eager for U.S. technical assistance, and in the organizing the upcoming Lizotte consultative visit, has taken an especially proactive role to make the arrangements and make key staff available. They have not requested new programs but concentrated on having a healthy dialogue on how they can organize and reform themselves. This consultative relationship between MOI and U.S. experts means that we can help define, shape, and guide MOI reform at the leadership and operational levels.

Karagiannis